



Employment Appeal Tribunal fees

From 29 July 2013

Important information

This leaflet sets out the fees for appeals to the Employment Appeal Tribunal.

The fees set out in this leaflet apply to appeals we receive on or after 29 July 2013. The fees do not apply to any appeals we received before this date.

For information on the fees you will have to pay as a claimant in the employment tribunals, please see the leaflets **T435 Employment tribunal fees for individuals** or **T436 Employment tribunal fees for groups and multiples** available at <http://hmctsformfinder.justice.gov.uk>

Employment Appeal Tribunal (EAT) fees

This leaflet tells you what fees apply and explains how and when you will have to pay them.

If you think that you cannot afford to pay the fee, please read our leaflet EX160A, which explains how to apply for a reduction or removal of the fee (known as a help with fees application).

Unless you are eligible for help with fees, if you appeal to the Employment Appeal Tribunal about a decision of an employment tribunal you must pay a lodgement fee. If a full hearing is necessary to decide the appeal, you must also pay a hearing fee.

Unlike in the employment tribunals, all appeals are charged at the same rate regardless of the type of claim or appeal.

For full details of how to make an appeal to the Employment Appeal Tribunal, please see our separate leaflet T440 'I want to appeal to the Employment Appeal Tribunal', the 'Practice Statement: Notices of Appeal and Skeleton Arguments' (which can be found on the following link www.judiciary.gov.uk/publications/practice-statement-notice-of-appeal-and-skeleton-arguments/), and the guidance on the gov.uk website at www.gov.uk/appeal-employment-appeal-tribunal.

Section 1 – Fees you must pay when appealing to the Employment Appeal Tribunal

Step 1 – What type of appeal am I making?

You can appeal any written decision an employment tribunal has made (including any judgment or order), but there will be a fee involved.

Step 2 – How many decisions are you appealing?

You can appeal any decision of an employment tribunal, but you must give the Employment Appeal Tribunal a separate notice of appeal for each decision you want to appeal, and pay a separate lodgement fee for each decision.

The employment tribunal may include decisions on both the merits of the claim and the level of the award in the same written judgment. If so, there will be only one lodgement fee.

Or, particularly if there were separate hearings to decide the merits of the claim and the level of the award, you may receive two separate judgments. You can choose to appeal either or both of these judgments, depending on what decision or decisions you disagree with. If you choose to appeal both judgments, you will have to pay two lodgement fees.

It does not matter how many people your written judgment covers. If you are lodging an appeal for two or more people who are all named in the same judgment, there will still be just one lodgement fee.

Step 3 – How much will I have to pay?

The lodgement fee for appealing to the Employment Appeal Tribunal is **£400**.

This fee will cover all the progress of your appeal up to, but not including, the full hearing. If your appeal requires a hearing before a full hearing (for example, a preliminary hearing), you will not have to pay a separate fee at that point.

If you feel that you cannot afford the fee and want to make a help with fees application, please read our guide EX160A, which is available at <http://hmctsformfinder.justice.gov.uk>

Step 4 – When do I have to pay the lodgement fee?

Unlike claims to the employment tribunal, you should **not** send the fee with your appeal form.

After receiving your notice of appeal, the Employment Appeal Tribunal will write to you to tell you the fee you must pay, when you must pay it by, and how to pay it.

If you do not pay the lodgement fee when it is due, your appeal will be delayed and may be struck out (dismissed).

Step 5 – How do I pay the lodgement fee?

You can pay online by credit card or debit card, or you can send a cheque by post to our payments centre. Do **not** send your payment to the Employment Appeal Tribunal office.

Do not send cash as neither the payments centre nor the Employment Appeal Tribunal office can take payment in cash. We cannot guarantee it will arrive safely, or that we will be able to return it to you safely.

If you have difficulty paying online or by cheque, please contact the Employment Tribunal Public Enquiry Line England and Wales 0300 123 1024 or Scotland 0141 354 8574 for advice.

Step 6 – The hearing fee

The fee for a full hearing in the Employment Appeal Tribunal is **£1,200**.

If a judge orders that your appeal be listed for a full hearing, the Employment Appeal Tribunal will tell you how much to pay and when to pay it by. You should pay a hearing fee in the same way as a lodgement fee, and you can apply for help with fees in the same way.

If you do not pay the hearing fee when it is due, your appeal will be delayed and may be struck out (dismissed).

Section 2 – Common questions

Can I get my fees back from the respondent (the other side) if I win?

In some circumstances, yes. If you win, the Employment Appeal Tribunal has the power to order a respondent to cover any fees you have paid. You should ask the tribunal to do so at the hearing. The tribunal has no power to order the respondent to cover your fees if you lose.

What happens if I settle with the respondent?

If you settle with the respondent, you must decide the terms between you, and the Employment Appeal Tribunal will not play a part. If you settle with the respondent, the Employment Appeal Tribunal will **not** refund any fees, so you should discuss the fees you have paid as part of the agreement you reach.

What happens if I withdraw my appeal?

If you withdraw your appeal, the Employment Appeal Tribunal will **not** refund any fee you have paid.

What happens if the appeal is added to others for hearing?

If you have several appeals which will be heard together, you may only have to pay one hearing fee to cover all the appeals. The Employment Appeal Tribunal will tell you if this is the case.

If I get help with fees for the lodgement fee, will I have to make another application for help with fees for the hearing?

Yes. Each time a fee is due, you should consider whether you can afford it or whether you should make a help with fees application, depending on your financial circumstances at the time.

What happens if I do not pay the lodgement fee or the hearing fee?

If you do not pay a fee by the date the Employment Appeal Tribunal tells you, this will delay your appeal and may result in it being struck out (dismissed).

I am the respondent and I want to cross-appeal (appeal against the same judgment in my respondent's answer). Do I have to pay a fee?

No, you will not have to pay a lodgement fee or a hearing fee.

